

REMARKS

Status of the Claims

The Examiner has withdrawn the application from the appeal process and has placed it back into prosecution. Claims 29-32 have been allowed. Claims 1-6, 8-25, and 27-28, 33-34, and 36-38 remain pending in the application, Claims 1, 3, 14, 33, and 36 having been amended, and Claims 7, 26, and 35 having been cancelled, as noted above.

Claims Objected to

The Examiner has objected to dependent Claims 6-9, 22-23, 26, and 37-38 as being dependent upon a rejected base claim, but allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant has amended independent Claims 1 and 14 as discussed below to include the recitation of dependent Claims 7 and 26, respectively, and Claim 33 has been amended to also include the recitation of Claim 26.

Claims Rejected under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1-5, 10-21, 24-25, 27-28, and 33-36 under 35 USC § 102(e) as being anticipated by James et al. (U.S. Patent No. 6,179,713 hereinafter referred to as “James”). The Examiner asserts that James describes each element of applicants’ claimed invention. Applicants respectfully disagree for the reasons discussed below.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on amended independent Claims 1, 14, and 33. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

1 Claim 1 has been amended to include the recitation from dependent Claim 7 (to which the
2 Examiner has objected), and Claim 7 has been cancelled. The Examiner objected to Claim 7 as
3 being dependent upon a rejected base claim, but indicated that the claim would allowable if
4 rewritten in independent form including all of the limitations of the base claim and any
5 intervening claims. Accordingly, Claim 1 is now patentable because it includes the recitation of
6 Claim 7. Accordingly, the rejection of independent Claim 1 over James under 35 U.S.C. § 102(e)
7 should be withdrawn.

8 Claim 14 has been amended to include the recitation from dependent Claim 26 (to which the
9 Examiner has objected), and Claim 26 has been cancelled. The Examiner objected to Claim 26 as
10 being dependent upon a rejected base claim, but acknowledged that the claim would be allowable
11 if rewritten in independent form to include all of the provisions of the base claim and any
12 intervening claims. Claim 14 is now patentable because it clearly distinguishes over James by
13 incorporating the recitation of Claim 26. Accordingly, the rejection of independent Claim 14 over
14 James under 35 U.S.C. § 102(e) should be withdrawn.

15 Similarly, Claim 33 has been amended to include the recitation from dependent Claim 26.
16 Although Claim 26 depends from Claim 14, Claim 33 now recites that each player is enabled to
17 transmit voice chat data to all other players participating in the chat session. Thus, Claim 33 is
18 now patentable because it more clearly distinguishes over James by incorporating the recitation of
19 Claim 26. Accordingly, the rejection of independent Claim 33 over James under 35 U.S.C. § 102(e)
20 should be withdrawn.

21 Because dependent claims are considered to include all of the steps or elements of the
22 independent claims from which the dependent claims ultimately depend and because the James
23 reference does not disclose or suggest all of what is recited in independent Claims 1, 14, and 33, the
24 rejection of dependent Claims 2-5, 10-13, 15-21, 24-25, 27-28, 34, and 36 under 35 U.S.C. § 102(e)
25 over James should be withdrawn for at least the same reasons noted above in the discussion of
26 Claims 1, 14, and 33.

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In view of the amendments and Remarks set forth above, it will be apparent that the claims in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on July 1, 2004.

Date: July 1, 2004

Kathy Par

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